

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Williams, et al. Confirmation No.: 5117  
 Appl. No.: 10/579,709 Art Unit: 3763  
 Filed: 03/29/2007 Examiner: Manuel A. Mendez  
 For: DEVICE, METHOD, AND COMPUTER PROGRAM PRODUCT FOR  
 DISPENSING MEDIA AS PART OF A MEDICAL PROCEDURE

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

## RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated September 17, 2009, in which the Examiner has required restriction between Species I (Figures 1-3) and Species II (Figure 4). Applicant hereby provisionally elects with traverse to prosecute the claims of Species I (Figures 1-3) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims. Species I and II identified by the Examiner are recited together in dependent Claims 12, 15, 19, and 22, which are Markush claims, and pursuant to MPEP §803.02, are subject to examination. Therefore, Applicants respectfully submit that the election of Species I reads on Claims 1-25. In addition, Applicant submits that independent Claims 1, 9, 16, and 23 are currently generic to Species I and II.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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